IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.2871 OF 2006

Sambhaji Laxman Kale .....Petitioners.

vs.

Kisan Raghuji Kale

and Ors. .....Respondents.

Ashutosh Gole for the petitioners.

Vilas B. Tapkir for respondent nos.1 to 6.

CORAM: S.C.DHARMADHIKARI, J.

DATED: 9th March, 2007.

P.C.

1. Heard learned counsel for the parties.

2. Perused the orders under challenge. The tentative and prima-facie conclusion of the courts below that the Petitioner Plaintiff is not in possession of the suit land, cannot be interefered with, based as it is on the materials

produced at the inter-locutory stage. Petition is sumamrily dismised. However, the Trial Court to decide the suit uninfluenced by the prima-facie and tentative observations and on merits so also in acccordance with law.

sd/-

(S.C.Dharmadhikari, J)